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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

LARRY TOTTEN, JOSE MORENO, in ) No. C 04 4327 PJH  
their capacities as Trustees of the LABORERS )  
HEALTH AND WELFARE TRUST FUND )  
FOR NORTHERN CALIFORNIA; LABORERS )  
VACATION-HOLIDAY TRUST FUND FOR ) **EX PARTE APPLICATION FOR**  
NORTHERN CALIFORNIA; LABORERS ) **CONTINUANCE OF CASE**  
PENSION TRUST FUND FOR NORTHERN ) **MANAGEMENT CONFERENCE;**  
CALIFORNIA; and LABORERS TRAINING ) **(PROPOSED) ORDER**  
AND RETRAINING TRUST FUND FOR )  
NORTHERN CALIFORNIA, )

Plaintiffs,

v.

REMEDIATION CONSTRUCTORS, INC., A  
California Corporation, doing business as  
REMCON, INC.,

Defendant.

Date: September 15, 2005

Time: 2:30 p.m.

Courtroom: 3, 17<sup>th</sup> Floor

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EX PARTE APPLICATION FOR CONTINUANCE OF CASE MANAGEMENT  
CONFERENCE; (PROPOSED) ORDER  
Case No. C 04 4327 PJH

1 **TO: THE CLERK OF THE COURT AND DEFENDANT REMEDIATION**  
2 **CONSTRUCTORS, INC., A California Corporation, doing business as REMCON, INC.:**

3 Pursuant to Civil Local Rule 7-10(b), Plaintiffs hereby request that the initial case  
4 management conference scheduled for September 15, 2005 be continued to October 13, 2005.

5 On February 14, 2005, Plaintiffs filed a Notice of Motion and Motion for Default Judgment  
6 against Remediation Constructors, Inc.. A hearing was held on April 14, 2005 before Magistrate  
7 Judge Maria-Elena James. The Defendant did not appear at the hearing on the Motion for Default  
8 Judgment. Magistrate James issued her report and recommendations on May 16, 2005, which were  
9 adopted by the Court on May 20, 2005. Plaintiffs have since attempted on numerous occasions to  
10 require Defendants to comply with the Court's Order granting an audit.

11 The primary attorney of record in the this matter, Concepción E. Lozano-Batista, will be out  
12 of the country on vacation on September 15, 2005 and cannot attend the hearing. Rather than  
13 substituting another attorney, Plaintiffs' respectfully request that the Court continue the hearing to  
14 October 13, 2005.

15 The above stated facts are set forth in the accompanying declaration of Concepción E.  
16 Lozano-Batista in Support of Ex Parte Application for Continuance of Case Management  
17 Conference, filed herewith.

18  
19 Dated: August 26, 2005

20 WEINBERG, ROGER & ROSENFELD  
21 A Professional Corporation

22 /s/

23 CONCEPCIÓN E. LOZANO-BATISTA  
Attorneys for Plaintiffs

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**ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

Based upon the foregoing Ex Parte Application for Continuance of Case Management Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference, the Court orders a continuance of the case management conference until October 13, 2005. In addition, the Court Orders:

Dated: 8/29/05



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HONORABLE PHYLLIS J. HAMILTON  
JUDGE OF THE DISTRICT COURT

**PROOF OF SERVICE**

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501. On August 26, 2005, I served upon the following parties in this action:

Stephen B. Christensen  
10254 Whitetail Drive  
Oakdale, CA 95361

copies of the document(s) described as:

**EX PARTE APPLICATION FOR CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE; (PROPOSED) ORDER**

☒ **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☐ **BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

☐ **BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on August 26, 2005.

\_\_\_\_\_/s/  
Linda Dobbins